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3:96-CV-01307 TELIOS PHARMACEUTICA V. MERCK KGAA

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

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INTEGRA LIFESCIENCES I, LTD.,) Civil Action No. 961307 (MP/AJB)
a Delaware Corporation, and)
THE BURNHAM INSTITUTE,)
a California nonprofit corporation,)
Plaintiffs,)
v.)
MERCK KGaA, a German)
corporation, THE SCRIPPS RESEARCH)
INSTITUTE, a California nonprofit)
corporation, DR. DAVID A. CHERESH,)
a California citizen, and DOES 1-25)
inclusive,)
Defendants.)

)

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Judgment is entered in favor of plaintiffs and against defendant Merck KGaA as follows:

1. The Scripps Research Institute and/or Dr. Cheresh have infringed United States Patent No. 4,792,525, Claim 8; United States Patent No. 4,879,237, Claims 4 and 8; United States Patent No. 5,695,997, Claims 15, 16, 17, and 18; and United States Patent No. 4,789,734, Claim 1.

2. Defendant Merck KGaA infringed United States Patent No. 4,792,525 by importing into the United States after January 1, 1996, peptides which infringe Claim 8 of United States Patent No. 4,792,525.

3. Defendant Merck KGaA has induced infringement of United States Patent No. 4,792,525, Claim 8; United States Patent No. 4,879,237, Claims 4 and 8; United States Patent No. 5,695,997, Claims 15, 16, 17, and 18; and United States Patent No. 4,789,734, Claim 1.

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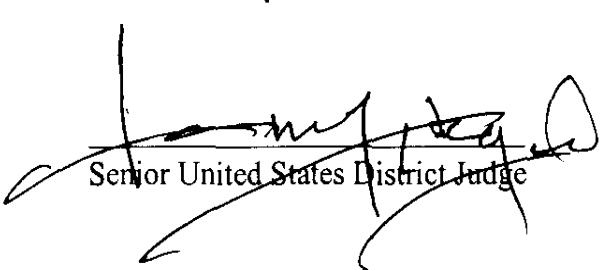
4. Claim 8 of United States Patent No. 4,792,525 has not been proven invalid.

Claim 1 of United States Patent No. 4,789,734 has not been proven invalid. Claims 4 and 8 of United States Patent No. 4,879,237 have not been proven invalid. Claims 15, 16, 17, and 18 of United States Patent No. 5,695,997 have not been proven invalid.

5. Plaintiffs are entitled to recover from Merck KGaA \$15,000,000 in damages to compensate plaintiffs for Merck's infringement and inducing infringement.

6. Plaintiffs are entitled to recover against Merck KGaA prejudgment interest through April 30, 2000, in the amount of \$1,125,000, with further prejudgment interest accruing from April 30, 2000 computed by the formula $(16,125,000 \times 1.00008777 Y) - 16,125,000$ where Y is the number of days from April 30, 2000 to the entry of judgment, and post judgment interest from the date of entry of this judgment until paid.

Date: September 29 2000


Senior United States District Judge